



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,542	12/28/1998	JACQUES JOSEPH LABRIE	S/TL919980004US2	4441
46158 7590 05/20/2009				
Tucker Ellis & West LLP				
1150 Huntington Bldg, 925 Euclid Ave				
Cleveland, OH 44115-1414				
EXAMINER				
CHEN, TE Y				
ART UNIT		PAPER NUMBER		
2161				
MAIL DATE		DELIVERY MODE		
05/20/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/221,542

Applicant(s)

LABRIE, JACQUES JOSEPH

Examiner

SUSAN Y. CHEN

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Response to Amendment

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on March 12, 2009 has been entered.

This office action is in response to the amendment filed on March 12, 2009.

Claims 1-18 and 27-28 are pending for examination, claims 1-7, 13, 15-18 and 27-28 have been amended.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 7, 13, 27 and 28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8, 15 and 22-25 of U.S. Patent No. 6,493,720. Although the conflicting claims are not identical, they are not patentably distinct from each other, because the only difference between the claimed invention and the patented claims is that patented claims are focus on catalog metadata synchronizing and instant claims not only claimed the metadata synchronizing but also details the navigation process of the claimed tool. However, using a tool to linear navigating the claimed data stored is well known in the art [e.g., Swartz et al. U.S. Patent No. 6,236,994, the use of a editable web tool (or browser) to linear navigating the cataloged metadata provided by Fig(s). 11 - 14 and associated texts], thus, it would have been obvious for an ordinary skill person in the art at the time the invention was made to combined the well-know implementation steps as taught by '994 into the instant claims, because by doing so, the combined invention would provide more user friendly tool to facilitate the data stores synchronizing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 and 27-28, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,236,994 issued by Swartz et al. (hereinafter referred as '994).

As to claim 1, '994 disclosed the claimed method of navigating data stored on a data storage device connected to a computer [e.g., Abstract], the method comprising the steps of :

registering first source data in an information catalog [e.g., the config _Infor In Registry/INI at col.(s) 15-16, table] ;

in response to receiving input from a user navigating a plurality of data objects stored in an information catalog, selecting a first target data object in the information catalog [e.g., col. 3, lines 1 - 21, col. 4, lines 12 – 67, Fig.(s) 1—15];

providing transformation lineage information about first source data from which the first target data object was derived via a transformation performed on said the first source data to derive said the first target data object [e.g., the unit: 100, Fig. 3 and associated texts];

providing transformation model information of the transformation performed on the first source data to derive the first target data object, the transformation model information providing a user with transformation producing function information of the first target data object including a derivation of the first target data object from the source data [e.g., the unit 70, Fig. 3 and associated texts];

using a metadata synchronizer, detecting a change in the registered first source data as changed source data, and updating metadata in the information catalog to reflect the detected change [e.g., col. 8, lines 45 – col. 9, lines 4, Fig(s). 3-5 and associated texts] ;

registering the changed source data in the information catalog [e.g., the use of Admin, Workhouse schema at the table of col. 11 – 16];

selecting a second target data object [e.g., the use of menu based selection at col. 9, lines 19-20, Fig.(s) 6 – 9 and associated texts]; and,

providing updated transformation lineage information about the changed source data from which the second target data object was derived via the transformation performed on the changed source data to derive the second target data object [e.g., Fig.(s) 11-13 and associated texts].

As to claim 2, '994 further disclosed the claimed method including representing the target data object is represented- as a node in a tree structure [e.g., the use of Hyperbolic Tree schema at col. 18, lines 45 – 52].

As to claim 3, '994 further disclosed the claimed method providing transformation information, said transformation information comprising information about a transformation performed on said source data to derive said target data object [e.g., the use of dynamic links and drill down techniques at col. 20, lines 13-24, at Fig(s). 13-14 and associated texts].

As to claim 4, in addition to the limitations of claim 3, wherein the step of providing said transformation information further comprises identifying a transformation producing function used to transform said source data [e.g., the use of indexing technique at col. 19, lines 30 – 35].

As to claim 5, '994 further disclosed the claimed method including the step-of-providing said lineage information which identifies said source data [e.g., col. 18, lines 32 – 52].

As to claim 6, In addition to the limitations of claim 5, '994 further comprising the step of maintaining transformation models for use in providing the lineage information, said transformation models maintaining information about the source data of the target data object [e.g., col. 5, lines 9 – 32, claim 11].

As to claims 7- 12, these claims recited similar limitations as claims 1-6, in form of apparatus, hence, are rejected for the same reason.

As to claims 13-18, these claims recited similar limitations as claims 1-6, in form of article of manufacture, hence, are rejected for the same reason.

As to claims 27 and 28, these claims recited similar limitations as claims 1-6, in form of computer-readable storage medium or system, hence, are rejected for the same reason.

Response to Arguments

Applicant's arguments with respect to claims 1-18 and 27-28 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Toh et al. (U.S. Patent No. 6,128,652) which disclosed a computer data processing system for manipulating and updating data objects with remote data sources automatically and seamlessly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN Y. CHEN whose telephone number is (571)272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susan Y Chen/
Partial Sig. Examiner
Art Unit 2161

May 18, 2009